

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39-E) for Adoption of its 2006 Energy Resource
Recovery Account (ERRA) Forecast Revenue
Requirement and for Approval of Its 2006
Ongoing Competition Transition Charge Revenue
Requirement and Rates.

Application 05-06-007
(Filed June 1, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING TWO MOTIONS TO FILE INFORMATION UNDER SEAL**

On June 1, 2005, Pacific Gas and Electric Company (PG&E) submitted a motion to file under seal certain parts of the testimony and exhibits appended to Application (A.) 05-06-007. On June 29, 2005, PG&E filed (1) an errata to A.05-06-007 that affected portions of A.05-06-007 that PG&E sought to place under seal in its motion filed June 1, 2005, and (2) a motion to place the errata under seal.¹ PG&E states that the information it seeks to place under seal in its two motions pertains to its electric generation resources and its electric procurement strategy.

PG&E asserts that it is necessary to place this information under seal in order to protect PG&E's ability to function effectively in the energy markets. According to PG&E, public disclosure of this information would enable other market participants to take advantage of PG&E as it seeks to acquire energy

¹ The specific information that PG&E seeks to place under seal in its motion filed on June 29, 2005, is "Errata Table 6-7."

products and dispose of long positions, thereby undermining PG&E's ability to achieve least-cost management of its electric energy portfolio.

PG&E represents that the Commission has previously recognized the importance of keeping information concerning PG&E's electric procurement strategy out of the public domain. Specifically, Decision (D.) 02-10-062, as modified by D.02-12-074, requires utilities to ensure that former utility employees do not misuse confidential procurement information acquired during employment with the utility. PG&E claims that the information it seeks to place under seal in its two motions is the same type of information that the Commission sought to protect from disclosure by utility employees.

There was no response to PG&E's two motions.

PG&E had shown good cause to file under seal the information identified in its two motions. Accordingly, PG&E's motions are granted.

IT IS RULED that:

1. Pacific Gas and Electric Company's (PG&E) motion filed on June 1, 2005, to place under seal certain parts of the testimony and exhibits appended to Application 05-06-007 is granted.

2. PG&E's motion filed on June 29, 2005, to place Errata Table 6-7 under seal is granted.

3. The information placed under seal pursuant to this Ruling shall remain under seal for a two-year period from the date of this Ruling. During this period, this information shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

4. If PG&E believes that further protection of the information placed under seal by this Ruling is needed after two years, PG&E may file a motion stating the justification for further withholding the material from public inspection or for such other relief as the Commission Rules may then provide. This motion shall be filed no later than 45 days before the expiration of this Ruling.

5. This Ruling shall be served on the service list for Application 04-06-003, which is the temporary service list for the instant proceeding until a permanent service list is established at the prehearing conference set for August 10, 2005.

Dated August 5, 2005, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the attached Administrative Law Judge's Ruling Granting Two Motions to File Information Under Seal on all parties of record in the temporary service list of Application 04-06-003 or their attorneys of record.

Dated August 5, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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